



PLANNING COMMISSION AGENDA

.....

JAIME HOLT, Chair

Commission Members
SEROP TOROSSIAN, Vice Chair
PAUL E. CAPRIOGLIO
RAMA DAWAR
ANDY HANSEN-SMITH
LUISA MEDINA
ROJELIO VASQUEZ

Development and Resource Management Department
Director JOHN M. DUGAN
Assistant Director/Secretary
KEITH BERGTHOLD

Senior Deputy City Attorney
SHANNON L. CHAFFIN

.....

The Planning Commission welcomes you to this meeting.

December 15, 2010

Wednesday

6:00 p.m. to 10:00 p.m.

City Hall, Second Floor, COUNCIL CHAMBER, 2600 Fresno Street

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call Development and Resource Management Department staff at 559-621-8277. **The agenda and related staff reports are available at www.fresno.gov.**

El cuarto de la reunión es accesible a los físicamente incapacitados y los servicios de un traductor pueden ser hechos disponible. Peticiones para servicios adicionales para los incapacitados, los firmantes, aparatos de escuchar o los traductores deben ser hechos una semana antes de la reunión. Por favor llame a el Departamento de la Planificación y el Desarrollo en 559-621-8277.

Chav sablaj muaj rau cov tibneeg xiam ooqhab, thiab muaj tibneeg txhaislus rau cov uas xav tau kev pabcuam. Yog thov kev pabcuam rau cov tibneeg xiam ooqhab, cov hlua ntsaws pobntseg mloog haislus, los yog tibneeg txhaislus, nej yuav tau hais tuaj ib asthiv los yog ib limpiam ua ntej lub rooj sablaj. Nej hu tau rau peb cov tubtxib ntawm tus xovtooj: 559-621-8277.

Metered parking is in effect throughout the downtown area. The general public wishing to attend a Planning Commission meeting at City Hall may park after 5 p.m. in the parking lot at the northeast corner of Tulare and P Streets or in the parking lot east of City Hall across the railroad tracks. Both parking lots have entrances from Tulare Street, and parking restrictions have been relaxed in these lots for those attending the meeting.

I. ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. PROCEDURES

For each matter considered by the Commission, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from supporters of the project will then be taken, followed by testimony from those in opposition. The applicant will have the right to a final rebuttal presentation prior to closing the public hearing.

In accordance with Section 13 of Article 2 of the Planning Commission Rules and Regulations governing length of public debate, all public testimony from those in support and in opposition of the project will be limited to three minutes per person. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with a soft bell ring when one minute is remaining. The speaker should be completing the testimony by the time the red light comes on with a final bell indicating time has expired. All public testimony must be presented to the Commission at the podium. Any testimony that references race, religion, economic status, national origin, shall be deemed out of order, irrelevant and will not be considered by the Commission in making its land use determinations.

If you challenge these land use matters in court, you may be limited to raising only those issues you or someone else raised in oral or written testimony at or before the close of the hearing.

IV. AGENDA APPROVAL

- A. Consent Calendar Requests
- B. Continuance Requests
- C. Other Agenda Changes

V. CONSENT CALENDAR

All Consent Calendar items are considered by the Planning Commission to be routine and will be enacted in one motion. There will be no separate discussion of these items unless requested, in which event the items will be removed from the Consent Calendar and considered prior to approval of the Consent Calendar. If any member of the public wishes to have a specific item removed for discussion, be present when the meeting is called to order and the Chair announces the Consent Calendar. Commission approval of Consent Calendar items for which there is no discussion shall constitute adoption of the staff recommendation.

- A. Minutes
- B. Communications
- C. Entitlements

VI. REPORTS BY COMMISSIONERS

VII. CONTINUED MATTERS

VIII. **NEW MATTERS**

- A. [Consider an appeal of the Development and Resource Management Department Director's action to approve, with conditions, Conditional Use Permit Application No. C-09-207 for property located at 2592 South Railroad Avenue. This application is requesting authorization to establish for authorization of a membership only, 21 years and older adult use oriented business/adult bookstore within an existing building. The site is zoned M-3 \(Heavy Industrial\).](#)

1. **Approve Environmental Assessment No. C-09-207** that the proposed project Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration (MND) prepared for Plan Amendment A-09-02 (Air Quality MND) be adopted for the project dated, September 3, 2010.
2. **Approve Conditional Use Permit Application No. C-09-207** this application is requesting authorization to establish a membership only, 21 years and older adult use oriented business/adult bookstore within an existing building. The adult use establishment **will not** operate between the following hours:

Sunday, Monday, Tuesday, Wednesday or Thursday: 10:01 p.m. until 7:59 a.m.

Friday or Saturday: 11:01 p.m. until 7:59 a.m.

- Edison Area Community Plans
- Council District 3 (Councilmember Sterling)
- Staff Recommendation: Deny appeal, uphold Director's decision
- Staff Member: Mike Sanchez
- May be considered by the City Council on appeal

- B. [Consider an appeal of the Development and Resource Management Department Director's action to approve, with conditions, Conditional Use Permit Application No. C-10-155 for 2.48 acres of property located on the northeast corner of South Trinity Street and East Oleander Avenue, north of East Kearney Boulevard. The applicant proposes the installation of one 4,320 square-foot and two 1,440 square foot standard portable modular buildings \(trailer-type\) for classroom use, office and space, and possibly a small library and/or computer room. Hours of operation of the school are Monday through Friday, 7:30 am – 4:30 p.m. Student enrollment increase from the currently authorized 124 to a maximum of 238 total persons on site would be authorized pursuant to this conditional use permit. The property is zoned R-1 \(Single Family Residential\).](#)

1. **Approve Environmental Assessment No. C-10-155** the proposed project is exempt from CEQA through a Class 32 Categorical Exemption, dated November 19, 2010.
2. **Approve Conditional Use Permit Application No. C-10-155** requesting authorization to expand an existing charter school by 7,190 square feet and increase enrollment to 238 total persons, with operations Monday through Friday from 7:30 a.m. - 4:30 p.m.

- Edison Community Plan
- Fresno-Chandler Downtown Airport Master and Environs Specific Plan
- Southwest Fresno General Neighborhood Renewal Area Redevelopment Plan
- Council District 3 (Councilmember Sterling)
- Staff Recommendation: Deny appeal, uphold Director's decision
- Staff Member: Sophia Pagoulatos
- May be considered by the City Council on appeal

VIII. NEW MATTERS (Continued)

- C. [Consider Conditional Use Permit Application No. C-10-185 for 0.34 acres of property located at 2001 East Belmont Avenue, on the north side of East Belmont Avenue between North Diana and North Clark Streets. Conditional Use Permit Application No. C-10-185 requests authorization to establish a State of California Alcoholic Beverage Control Type 41 license \(*restaurant – sale of beer and wine for consumption on the licensed premises*\) and a night club at the existing Me-Khong Restaurant. The property is located in the C-6 \(*Heavy Commercial*\) zone district. Pursuant to Fresno Municipal Code Section 12-326 related to Restaurants, Taverns and Nightclubs, the Planning Commission is the granting authority for nightclubs proposed in the C-6 zone district.](#)
1. **Approve Environmental Assessment No. C-10-185** the proposed project is exempt from CEQA through a Class 1 Categorical Exemption dated December 15, 2010.
 2. **Approve Conditional Use Permit Application No. C-10-185** requesting authorization to establish a State of California Alcoholic Beverage Control Type 41 license (*restaurant – sale of beer and wine for consumption on the licensed premises*) and a night club operation Thursday through Sunday from 10:00 p.m. to 2:00 a.m. at the existing Me-Khong Restaurant.
 - Central Area Community Plan
 - Jefferson Redevelopment Project Area Plan
 - Council District 3 (Councilmember Sterling)
 - Staff Recommendation: Recommend Approval
 - Staff Member: Sophia Pagoulatos
 - May be considered by the City Council on appeal
- D. [Consider Vesting Tentative Tract Map No. 5932/UGM, filed by Provost & Pritchard, Inc., on behalf of Centex Homes. The subject site is approximately 16.19 acres in area and is located on the southwest corner of the intersection of South Sunnyside Avenue and East Fancher Creek Drive.](#)
1. **Approve Environmental Assessment No. T5932** recommending that a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration (MND) prepared for Plan Amendment A-09-02 (Air Quality MND) be adopted for the tentative map.
 2. **Approve Vesting Tentative Tract Map No. 5932/UGM** proposal to subdivide the subject property for the purposes of creating an 86-lot conventional single family residential subdivision at an overall density of approximately 5.31 dwelling units per acre.
 - Roosevelt Area Community Plan
 - Council District 5 (Councilmember Dages)
 - Staff Recommendation: Recommend Approval
 - Staff Member: Will Tackett
 - May be considered by the City Council on appeal

VIII. NEW MATTERS (Continued)

- E. [Consider Plan Amendment Application No. A-10-08 and Sphere of Influence Application No. SOI-10-001, filed by Dirk Poeschel Land Development Services, Inc., on behalf of Sanders Properties LLC, pertaining to approximately 0.65 acres of property located on the south side of East Shaw Avenue, west of North Winery Avenue, abutting State Route 168 northbound off-ramp, in the City of Fresno.](#)
1. **Recommend Approval to City Council of Environmental Assessment No. A-10-08/SOI-10-001** which recommends that a Mitigated Negative Declaration be adopted for the plan amendment and sphere of influence application.
 2. **Recommend Approval to City Council of Plan Amendment Application No. A-10-08** which requests removing the subject property currently designated as medium density residential (for freeway purposes) from the 2025 Fresno General Plan and Hoover Community Plan to correspond to an amendment to the Clovis General Plan to add this property as commercial land use designation within the City of Clovis.
 3. **Recommend Approval to City Council of Sphere of Influence Application No. SOI-10-001** which requests amending the City of Fresno Sphere of Influence by detaching of the subject property from the City of Fresno for the future annexation of the site to the City of Clovis' Sphere of Influence.
 - Hoover Area Community Plan
 - Council District 4 (Councilmember Westerlund)
 - Staff Recommendation: Recommend Approval
 - Staff Member: Bonique Salinas
 - Will be considered by the City Council

VIII. NEW MATTERS (Continued)

- F. [Consider Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, Conditional Use Permit Application No. C-10-195, and Vesting Tentative Tract Map No. 5983/UGM, filed by Dirk Poeschel Land Development Services, Inc., on behalf of Wilson Homes and pertain to approximately 19.26 acres of property located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues.](#)
1. **Recommend Approval to the City Council** of the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 for the purpose of the proposed plan amendment and rezone applications.
 2. **Recommend Approval to the City Council** of Plan Amendment Application No. A-10-09 proposing to amend the 2025 Fresno General Plan, Bullard Community Plan and Sierra Sky Park Land Use Policy Plan to change the planned land use designation for an approximately 3.58 acre portion of the subject property from Office Commercial to Neighborhood Commercial; and, an approximately 7.65 acre portion from Office Commercial to Medium-High Density Residential.
 3. **Recommend Approval to the City Council** of Rezone Application No. R-10-07 requesting authorization to rezone the approximately 3.58 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the C-1/EA/UGM (*Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*) zone district; and, the approximately 7.65 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the R-2/EA/UGM (*Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management*) zone district.
 4. **Approve** the Mitigated Negative Declaration prepared for Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 for the purpose of the proposed Conditional Use Permit and Vesting Tentative Tract Map applications.
 5. **Approve Conditional Use Permit Application No. C-10-195** subject to the findings included within the Staff Report to the Planning Commission dated December 15, 2010; and, compliance with the Conditions of Approval dated December 15, 2010
 6. **Approve Vesting Tentative Tract Map No. 5983/UGM** subject to the findings included within the Staff Report to the Planning Commission dated December 15, 2010; and, compliance with the Conditions of Approval dated December 15, 2010.
 - Bullard Area Community Plan
 - Council District 2 (Councilmember Borgeas)
 - Staff Recommendation: Recommend Approval
 - Staff Member: Will Tackett
 - Plan Amendment and Rezone will be considered by the City Council

IX. REPORT BY SECRETARY

X. SCHEDULED ORAL COMMUNICATIONS

XI. UNSCHEDULED ORAL COMMUNICATIONS

You may address the Planning Commission at the conclusion of the Commission meeting regarding matters of public interest that are not listed on the agenda and that are within the Commission's jurisdiction.

Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on the Planning Commission agenda should contact the Planning and Development Department, (559) 621-8277, at least 10 days before the desired appearance date.

XII. ADJOURNMENT

UPCOMING MATTERS

(Dates subject to change)